



January 31, 2002

HOUSE BILL No. 1059

DIGEST OF HB 1059 (Updated January 30, 2002 9:44 AM - DI 87)

Citations Affected: IC 9-18; IC 9-21; IC 9-24.

Synopsis: Operation of motorized bicycles. Requires an individual, when operating a motorized bicycle upon an Indiana highway, to carry a valid state identification card, learner's permit, or driver's license issued to the individual. Provides that a person operating a motorized bicycle has the same rights and duties of a person who operates a motor vehicle for purposes of the motor vehicle code, with certain exceptions. Specifies equipment and operating rules required for the use of a motorized bicycle. Makes conforming changes.

Effective: July 1, 2002.

Cheney, Reske, Ulmer, Alderman

January 8, 2002, read first time and referred to Committee on Public Policy, Ethics and Veterans Affairs.
January 30, 2002, reported — Do Pass.

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HB 1059—LS 6680/DI 96+



January 31, 2002

Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

HOUSE BILL No. 1059

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 9-18-2-29 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 29. Except as otherwise
3 provided, before:

4 (1) a motor vehicle **other than a motorized bicycle**;

5 (2) a motorcycle;

6 (3) a truck;

7 (4) a trailer;

8 (5) a semitrailer;

9 (6) a tractor;

10 (7) an implement of husbandry or a farm tractor used in
11 transportation;

12 (8) a bus;

13 (9) a school bus;

14 (10) a recreational vehicle; or

15 (11) special farm machinery;

16 is operated or driven on a highway, the person who owns the vehicle
17 must register the vehicle with the bureau and pay the applicable

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1 registration fee.

2 SECTION 2. IC 9-21-11-1 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 1. (a) The parent of a
4 child and the guardian of a protected person may not authorize or
5 knowingly permit the child or protected person to violate this chapter.

6 (b) Subject to the exceptions stated, the provisions of this chapter
7 applicable to bicycles apply whenever a bicycle **or motorized bicycle**
8 is operated upon a highway or a **bicycle is operated on a** path set aside
9 for the exclusive use of bicycles.

10 SECTION 3. IC 9-21-11-2 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 2. A person riding a
12 bicycle **or motorized bicycle** upon a roadway has all the rights and
13 duties under this article that are applicable to a person who drives a
14 vehicle, except the following:

- 15 (1) Special regulations of this article.
16 (2) Those provisions of this article that by their nature have no
17 application.

18 SECTION 4. IC 9-21-11-3 IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 3. (a) A person
20 propelling a bicycle **or motorized bicycle** may not:

- 21 (1) ride other than upon the permanent and regular seat attached
22 to the bicycle **or motorized bicycle**; or
23 (2) carry any other person upon the bicycle **or motorized bicycle**
24 who is not seated upon a firmly attached and regular seat on the
25 bicycle **or motorized bicycle**.

26 (b) A person may not ride upon a bicycle **or motorized bicycle**
27 unless seated under this section.

28 SECTION 5. IC 9-21-11-4 IS AMENDED TO READ AS
29 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 4. A bicycle **or**
30 **motorized bicycle** may not be used to carry more persons at one (1)
31 time than the number for which the bicycle **or motorized bicycle** is
32 designed and equipped.

33 SECTION 6. IC 9-21-11-5 IS AMENDED TO READ AS
34 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 5. A person upon a
35 bicycle, a coaster, roller skates, **a motorized bicycle**, or a toy vehicle
36 may not attach the bicycle, coaster, roller skates, **motorized bicycle**,
37 or toy vehicle or the person to a street car or vehicle upon a roadway.

38 SECTION 7. IC 9-21-11-6 IS AMENDED TO READ AS
39 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 6. **(a)** A person riding
40 a bicycle **or motorized bicycle** upon a roadway may not ride more than
41 two (2) abreast except on ~~paths~~ or parts of roadways set aside for the
42 exclusive use of bicycles.



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(b) A person riding a bicycle may not ride more than two (2) abreast except on a path set aside for the exclusive use of bicycles.

SECTION 8. IC 9-21-11-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 7. A person who rides a bicycle **or motorized bicycle** may not carry a package, a bundle, or an article that prevents the person from keeping both hands upon the handlebars.

SECTION 9. IC 9-21-11-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 8. A person may not ride a bicycle **or motorized bicycle** unless the bicycle **or motorized bicycle** is equipped with a bell or other device capable of giving a signal audible for a distance of at least one hundred (100) feet. A bicycle may not be equipped with and a person may not use upon a bicycle a siren or whistle.

SECTION 10. IC 9-21-11-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 10. A bicycle **or motorized bicycle** must be equipped with a brake that will enable the person who operates the bicycle **or motorized bicycle** to make the braked wheels skid on dry, level, clean pavement.

SECTION 11. IC 9-21-11-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 11. A person who operates a bicycle **or motorized bicycle** upon a highway shall observe the regulations and requirements of this article.

SECTION 12. IC 9-21-11-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 12. A motorized bicycle may not be operated under any of the following conditions:

- (1) By a person less than fifteen (15) years of age.
- (2) By a person who has not obtained:
 - (A) an identification card under IC 9-24;
 - (B) a permit under IC 9-24;
 - (C) an operator's license under IC 9-24;
 - (D) a chauffeur's license under IC 9-24; ~~or~~
 - (E) a public passenger chauffeur's license under IC 9-24; **or**
 - (F) **a motorcycle operator's license under IC 9-24.**
- (3) On an interstate highway or a sidewalk.
- (4) At a speed greater than twenty-five (25) miles per hour.

SECTION 13. IC 9-24-1-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 1.5. An individual must have a valid:

- (1) identification card;
- (2) permit;
- (3) operator's license;



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1 **(4) chauffeur's license;**
 2 **(5) public passenger chauffeur's license; or**
 3 **(6) motorcycle operator's license;**
 4 **under this article to operate a motorized bicycle upon a highway.**

5 SECTION 14. IC 9-24-1-7 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 7. Sections 1 through
 7 5 of this chapter do not apply to the following individuals:

8 (1) An individual in the service of the armed forces of the United
 9 States while operating an official motor vehicle in that service.

10 (2) An individual while operating a:

11 (A) road roller;

12 (B) road construction or maintenance machinery, except where
 13 the road roller or machinery is required to be registered under
 14 Indiana law;

15 (C) ditch digging apparatus;

16 (D) well drilling apparatus;

17 (E) concrete mixer; or

18 (F) farm tractor or implement of husbandry;

19 that is being temporarily drawn, moved, or propelled on an
 20 Indiana public highway.

21 (3) A nonresident who:

22 (A) is at least sixteen (16) years and one (1) month of age; and

23 (B) has in the nonresident's immediate possession a valid
 24 operator's license that was issued to the nonresident in the
 25 nonresident's home state or country;

26 while operating a motor vehicle in Indiana only as an operator.

27 (4) A nonresident who:

28 (A) is at least eighteen (18) years of age; and

29 (B) has in the nonresident's immediate possession a valid
 30 chauffeur's license that was issued to the nonresident in the
 31 nonresident's home state or country;

32 while operating a motor vehicle upon a public highway, either as
 33 an operator or a chauffeur.

34 (5) A nonresident who:

35 (A) is at least eighteen (18) years of age; and

36 (B) has in the nonresident's immediate possession a valid
 37 license issued by the nonresident's home state for the operation
 38 of any motor vehicle upon a public highway when in use as a
 39 public passenger carrying vehicle;

40 while operating a motor vehicle upon a public highway.

41 (6) A nonresident whose home state or country does not require
 42 the licensing of operators or chauffeurs and who has not been

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licensed as an operator or a chauffeur in the nonresident's home state or country as an operator if the nonresident is at least sixteen (16) years and thirty (30) days of age and less than eighteen (18) years of age or as a chauffeur if the nonresident is at least eighteen (18) years of age, for not more than sixty (60) days in any one (1) year if the following conditions exist:

(A) The unlicensed nonresident is the owner of the motor vehicle or the authorized driver of the vehicle.

(B) The vehicle has been registered for the current year in the state or country of which the owner is a resident.

(C) The motor vehicle at all times displays a registration plate issued in the home state or country of the owner.

(D) The nonresident owner or driver has in the owner's or driver's immediate possession a registration card evidencing ownership and registration in the owner's or driver's home state or country or is able at any required time or place to do the following:

(i) Prove lawful possession or the right to operate the motor vehicle.

(ii) Establish the nonresident's proper identity.

(7) A nonresident who:

(A) is at least fifteen (15) years of age; and

(B) has in the nonresident's immediate possession a valid identification card issued by the nonresident's home state; while operating a motorized bicycle upon a highway.

(8) An individual who is legally licensed to operate a motor vehicle in the state of the individual's residence and who is employed in Indiana, subject to the restrictions imposed by the state of the individual's residence.

~~(8)~~ **(9)** A new resident of Indiana who possesses an unexpired driver's license issued by the resident's former state of residence, for a period of sixty (60) days after becoming a resident of Indiana.

~~(9)~~ **(10)** An individual who is an engineer, a conductor, a brakeman, or another member of the crew of a locomotive or a train that is being operated upon rails, including the operation of the locomotive or the train on a crossing over a street or a highway. An individual described in this subdivision is not required to display a license to a law enforcement officer in connection with the operation of a locomotive or a train in Indiana.

SECTION 15. IC 9-24-13-3 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 3. An individual
 2 holding a permit or license issued under this article must have the
 3 permit or license in the individual's immediate possession when driving
 4 or operating a motor vehicle. **An individual holding an identification**
 5 **card under this article must have the identification card in the**
 6 **individual's immediate possession when driving or operating a**
 7 **motorized bicycle.** The permittee, ~~or~~ licensee, **or individual holding**
 8 **an identification card** shall display the license, ~~or~~ permit, **or**
 9 **identification card** upon demand of a court or a police officer
 10 authorized by law to enforce motor vehicle rules.

11 SECTION 16. IC 9-24-13-6 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 6. (a) Subject to
 13 subsection (b), in a proceeding to enforce section 3 of this chapter, the
 14 burden is on the defendant to prove by a preponderance of the evidence
 15 that the defendant had been issued a driving license, ~~or~~ permit, **or**
 16 **identification card** that was valid at the time of the alleged violation.

17 (b) A person may not be convicted of violating section 3 of this
 18 chapter if the person, within five (5) days from the time of
 19 apprehension, produces to the apprehending officer or headquarters of
 20 the apprehending officer satisfactory evidence of ~~a~~ **the** permit, ~~or~~
 21 license, **or identification card** issued to the person that was valid at
 22 the time of the person's apprehension.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, Ethics and Veterans Affairs, to which was referred House Bill 1059, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

KUZMAN, Chair

Committee Vote: yeas 7, nays 2.

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